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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

TRACEY MARTINEZ,

Plaintiff,

vs.

KOHL'S CORPORATION,

Defendant

Case No.: 1:19-cv-00484-RP

**STIPULATION FOR VOLUNTARY
DISMISSAL**

STIPULATION FOR VOLUNTARY DISMISSAL
PURSUANT TO FED.R.CIV.P. 41(a)(1)(A)(ii)

NOW COME Plaintiff Tracey Martinez ("Plaintiff"), and Defendant Kohl's Corporation ("Defendant"), through their respective undersigned attorneys and respectfully state and pray:

1. On May 3, 2019, Plaintiff filed the Complaint in this case (Dkt. 1).

2. On July 22, 2019, Defendant answered the Complaint. (Dkt. 8).

3. Federal Rule of Civil Procedure 41 provides in relevant part:

(a) Voluntary Dismissal

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

STIPULATION FOR VOLUNTARY DISMISSAL

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal-or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

Fed.R.Civ.P. 41, 28 U.S.C. (emphasis added).

4. Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), the parties respectfully notify the voluntary dismissal of the Complaint, without prejudice.

WHEREFORE, the parties respectfully request this honorable Court to GRANT the instant request for voluntary dismissal of the present case without prejudice.

Dated: July 30, 2019

RESPECTFULLY SUBMITTED,

By: /s/Dorothy Butler Lawrence
Dorothy Butler Lawrence
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By: /s/ William Creeger Petit
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2019, a true and correct copy of the foregoing STIPULATION FOR VOLUNTARY DISMISSAL was filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record, including:

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